

REMARKS

Reconsideration of the patentability of the claims of the above referenced application is solicited in view of the above amendments and the following comments. Specifically, independent claims 87 and 103 have been rewritten to clarify the definition of the instant invention and to further specifically identify the unobviousness of the instant invention over the state of the prior art at the time that the instant invention was made.

It is appreciated that the instant claims have been finally rejected and that, after final rejection, the examiner has wide latitude to enter or not enter any amendments that are submitted. In this case, the instant amendments are consolidating the content of many of the finally rejected claims into many fewer claims. That is, several dependent claims have been cancelled and their contents included in the remaining amended claims. Therefore, these amendments do not present any new issues or prohibited new matter. Therefore, despite the fact that the outstanding action is a final rejection, it is urged that these amendments be entered, at least for purposes of appeal.

In the outstanding action, the examiner has rejected applicants' claims as being unpatentably obvious in view of the combined disclosures of the cited Terakado (USP 6,311,329), Eyer (USP 5,801,753) and LaJoie et al (USP 5,850,218) references.

In order to further clarify the patentable distinctions between the instant claimed invention and the disclosures of the cited references, Applicants have further limited independent claims 87 and 103. Specifically, claim 87 has been rewritten to include the limitations described in prior dependent claims 92 and 97, and claim 103 has been rewritten to include the limitations previously contained in prior dependent claims 107 and 111. With the cancellation of claims 88-97 and 104-111, claims 87, 98-102, 103, and 112-114 remain pending in the instant application.

The Terakado and Lajoie references both fail to disclose, teach or suggest the claimed apparatus and method in that these claims require means for distributing electric program information and the corresponding method of distribution (see amended claims 87 and 103). That is, in the Terakado and Lajoie references, there are no disclosures, teachings or suggestions

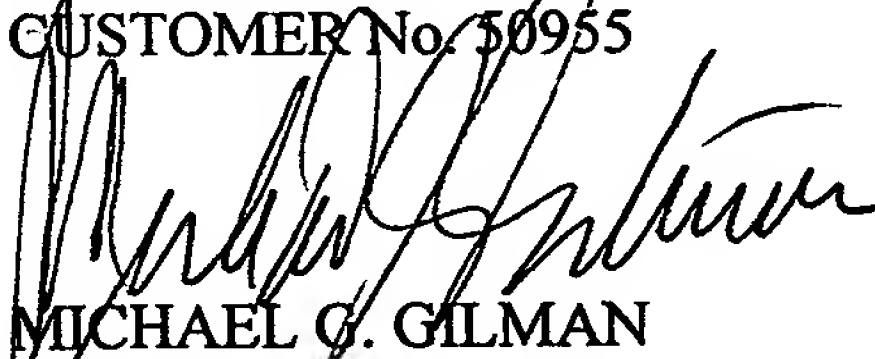
about the concept that the same broadcast service station broadcasts plural channel services and, in such a circumstance, first and second types of electronic program information having first and second degrees of detail are distributed in a controlled manner. More specifically, bits of electronic program information for the plural channel services that are broadcast by the same broadcast service station are provided with descriptive information at the first degree of detail that is greater than the descriptive information contained in the second degree of detail..

The Eyer reference does not make up for this lack of disclosure in the Terakado and LaJoie references. Therefore, it should be clear that the combination of references being relied on by the examiner to support the rejection is not appropriate. A case of *prima facie* obviousness is only made out if each and every material feature of the claims is found in at least one cited reference. Since this most important limitation is not found in any of the references, the examiner has not supported his rejection and that rejection must therefore be withdrawn.

Therefore, in view of the foregoing amendments and arguments, it is respectfully submitted that the present application is in condition for allowance.

Respectfully submitted,

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